

EXHIBIT C

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

CHAD PELISHEK,

CONFIDENTIAL

Plaintiff,

VOLUME II

-vs-

Case No. 2:23-CV-1048

CITY OF SHEBOYGAN, et al.,

Defendants.

Examination of CHAD PELISHEK, taken at the instance of the Defendants, under and pursuant to the applicable Rules of Civil Procedure, before SAMANTHA J. SHALLUE, a Registered Professional Reporter and Notary Public in and for the State of Wisconsin, at MWH Law Group, 735 North Water Street, Suite 610, Milwaukee, Wisconsin, on September 12, 2024, commencing at 9:08 a.m. and concluding at 4:59 p.m.

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1 MS. DeMASTER: Objection; form.

2 THE WITNESS: I guess to clarify, I
3 misspoke. I don't have any information.

4 BY MS. MURPHY:

5 Q Okay. And there was nothing in the articles
6 published in the media that was false about
7 you, correct?

8 MS. DeMASTER: Objection; form.

9 THE WITNESS: Which articles?

10 BY MS. MURPHY:

11 Q The Sheboygan Press articles: October 10th,
12 October 26th, December 10th, I believe. Any of
13 them.

14 A As I stated previously and to add some
15 clarification, the -- the articles did not
16 share the context of the -- of the racial slur,
17 and it showed that I -- it insinuated I just
18 came into the meeting and issued a racial slur
19 unsolicited.

20 Q You recall us going through these articles
21 during your last deposition, correct?

22 A Yes.

23 Q I'm going to hand you Deposition Exhibit 19
24 which is the Sheboygan Press article from
25 October 26th. I'm going to refer you to Page 2

1 and have you read the first two paragraphs of
2 that article.

3 MS. DeMASTER: I'm just going to
4 renew my objection as to foundation. I believe
5 this article was edited, but subject to that
6 you can answer.

7 THE WITNESS: Okay.

8 BY MS. MURPHY:

9 Q That article does indicate the context of
10 the -- in which you repeated the n-word,
11 correct?

12 A I believe so.

13 Q There's nothing false in those two paragraphs
14 about what you said, correct?

15 A Correct.

16 Q Okay. I'm going to have you take a look at
17 Exhibit 18 which is another article in the
18 Sheboygan Press and have you look at this
19 paragraph starting with "He did use the
20 phrase." Read that for me.

21 A Out loud?

22 Q No, read it to yourself.

23 A Okay.

24 Q And Exhibit 18 also talks about your use of the
25 phrase, correct?

1 A If that's Exhibit 18, yes.

2 Q And it says that you said the word not with the
3 intent to hurt or harm anyone, but with the
4 intent to help others, correct?

5 A Correct.

6 Q Okay. I'm going to have you look at Page 1 of
7 that same article in Exhibit 18, the third
8 paragraph starting with the word "Pelishek."

9 A Okay.

10 Q And that paragraph makes clear that you said
11 the slur while quoting a resident's comment
12 from a neighborhood meeting, correct? Correct?

13 A Yes.

14 Q And that you did so to provide an example --
15 you used the offensive word as an example of a
16 racist incident brought to your attention and
17 asked other department heads how the City could
18 help address the issue; is that accurate?

19 A Yes.

20 Q So once again it explained the context in which
21 you used the slur, correct?

22 MS. DeMASTER: Objection; form.

23 BY MS. MURPHY:

24 Q Correct?

25 A I believe so.

1 Q And it didn't contain any false information,
2 correct?

3 A I believe so.

4 Q You believe that it did contain false
5 information or it did not?

6 A That it did not.

7 Q Okay. What information do you have to support
8 your allegation that Mayor Sorenson asked the
9 public to send outraged e-mails to council
10 about your purported racism?

11 A Well, there was a -- I don't know if these --
12 I -- there were comments made at that council
13 meeting about people that had contacted
14 alderpersons and that alderpersons had said
15 that they received communications from the City
16 that they should submit concerns that they
17 have.

18 Q So they got a communication from the City to
19 submit concerns that they had, correct?

20 A I guess I'm not sure of the definition of
21 "concerns."

22 Q Do you have any evidence that Mayor Sorenson
23 asked citizens to send outraged e-mails about
24 you?

25 MS. DeMASTER: Objection; form.

1 the mayor, Adam Westbrook, and yourself?

2 A I don't believe so.

3 Q What did you say in response to their comment
4 that you would be the main witness in that
5 lawsuit?

6 A I didn't understand the reason why it would
7 have been -- why I would have been the main
8 witness, and I may have referenced that I
9 needed to seek an attorney.

10 Q You don't recall if you said that or not?

11 MS. DeMASTER: Objection; misstates
12 testimony.

13 THE WITNESS: I can't confirm if it
14 was at that meeting or the following meeting
15 after that.

16 BY MS. MURPHY:

17 Q Okay. And did the mayor or Adam Westbrook say
18 anything else in that meeting?

19 A Related to?

20 Q Anything. I mean, did they say anything else
21 during that meeting?

22 A I don't believe so.

23 Q Did you say anything else during that meeting?

24 A I'm not sure.

25 Q As you sit here today, can you recall saying

1 anything else during that meeting?

2 A I'm not sure.

3 Q Did you record that meeting?

4 A I did not.

5 Q You referenced another meeting. When was the
6 next meeting that you had with Mr. Westbrook?

7 A The last meeting was when the Hall report was
8 released.

9 Q Where did that meeting take place?

10 A In my office.

11 Q Who was present?

12 A Mayor Sorenson, Adam, and myself.

13 Q What was said by the mayor and Adam?

14 A That the Hall report -- actually, Adam gave me
15 a copy of the Hall report to read, and when I
16 read it I almost lost it because it did not
17 reference anything that I had stated in my
18 review and it insinuated that I was a racist.

19 Q So after they handed you the report and you
20 read it, what was said?

21 A I said that I will need to get an attorney and
22 that this will be figured out in court at which
23 time Mr. Westbrook asked Mr. Sorenson to leave
24 the room.

25 Q And did the mayor say anything during that

1 meeting?

2 A I don't recall.

3 Q So as you sit here today you don't recall him
4 saying anything?

5 MS. DeMASTER: Objection; asked and
6 answered.

7 THE WITNESS: I don't recall him
8 saying anything.

9 BY MS. MURPHY:

10 Q Okay. So what did Adam say during that
11 meeting?

12 A He referenced the fact that there was
13 discussion in the Hall investigation about the
14 demand for money at the -- with the DEI group
15 and that that didn't align with the testimony
16 that I had previously told him, and he was
17 trying to -- he was trying to understand which
18 information was correct.

19 Q And how did you respond?

20 A I think I then responded that it'll have to be
21 figured out in court.

22 Q Did either of you say anything else during that
23 meeting?

24 A I don't believe so. I don't know.

25 Q Did you record that meeting?

1 A I did not. I just want to clarify that I had
2 hoped that that Hall investigation was going to
3 be released, number one, without names because
4 we were led to believe by Attorney Adams that
5 the names would be redacted, and the names were
6 not redacted, and when I read the report and it
7 said that I uttered a racial slur with no
8 context to that I felt that this -- and read
9 further that it was retaliation against -- it
10 was an investigation into Todd Wolf's things
11 against Emily for retaliation, and there was no
12 exoneration in that report over what I had
13 said. I at that point realized that the stress
14 and panic and anxiety and stuff was so much
15 that I needed to do something major, and it's
16 what led to the FMLA.

17 Q So this meeting occurred on March 7th of 2023
18 according to your notes Bates stamped
19 PELISHEK000316. When did you write down what
20 happened during that meeting?

21 A Can I see the notes?

22 Q Maybe. Can you tell me when you wrote down
23 what happened during this meeting?

24 A I can't tell you for sure.

25 Q So did you write it down when you got back to

1 your office or shortly thereafter?

2 A You're not going to let me see the notes to
3 refresh my memory?

4 Q Well, I don't think you need them to answer
5 that question which is why I'm not giving them
6 to you.

7 A Then I don't think I'm going to answer that
8 question.

9 Q You don't have a choice.

10 MS. DeMASTER: Sorry, just to
11 clarify, you're just asking, like, when he
12 wrote the notes?

13 MS. MURPHY: When he wrote the notes.

14 THE WITNESS: The notes are dated.

15 BY MS. MURPHY:

16 Q March 7, 2023, at 12:00 p.m. is what you -- I
17 assume that's when the meeting took place.

18 A I would have probably -- at that point I was
19 not writing the notes during the day. I was
20 writing sticky notes and taking them home and
21 doing it in the evening.

22 Q Okay. So you would have written this note
23 after you got home that night?

24 A Probably.

25 Q Okay. I'm handing you your notes and I'm

1 private investigation done by an outside law
2 firm that was hired by the common council to
3 investigate conduct of office over what a
4 newspaper article that's getting her
5 information secondhand is writing?

6 Q So now -- I'm going to withdraw that question.

7 (Exhibit No. 24 was marked.)

8 BY MS. MURPHY:

9 Q Mr. Pelishek, you have been handed Exhibit 24
10 which is a copy of the Hall report dated
11 February 6 of 2023. I would like you to take a
12 review of this report and tell me what
13 information in here is factually inaccurate
14 about you.

15 A The statement on Page 4 that says "However, in
16 the course of the investigation, no attendee of
17 the August 22, 2022, meeting, including
18 Mr. Pelishek himself, supported Wolf's repeated
19 assertion that Ms. Rendall-Araujo demanded that
20 Mr. Pelishek repeat the racial slur. Evidence
21 suggests that Ms. Rendall-Araujo told Wolf on
22 August 24, 2022, that she went to her friends
23 group for advice on how to address the issue of
24 the director's use of the racial slur.
25 Evidence also suggests that Wolf continued to

1 publicly attribute untoward motives toward" --
2 oh, not that. Stopping before that sentence.

3 Q Okay. So you believe that the first two
4 sentences of the third paragraph on Page 4 of
5 Ms. Hall's report refer to you and are
6 inaccurate?

7 A That is correct.

8 Q Okay. Anything else?

9 A So that it's not -- the other one is not
10 directly related to me, although it says "No
11 attendee of the August 5, 2022, meeting except
12 Wolf provided evidence supporting Wolf's claim
13 that the women demanded \$70,000 from the City."

14 Q Anything else? Oh, and that's at Page 5?

15 A Page 5 of 6.

16 Q Page 5 of 6, the fourth paragraph, correct?
17 I'm counting the blocked one as a paragraph.

18 A Yes.

19 Q Okay. Anything else?

20 A It's the insinuation on Page -- where it uses
21 the word "utterance."

22 Q What page are we talking about?

23 A Page 3 of 6, the last sentence of the third
24 paragraph.

25 Q Read the sentence to me.

1 A "Evidence suggests that Ms. Rendall-Araujo
2 reported only to a group of five people on
3 August 22, 2022, but did not talk with the
4 media at any time of the matter of Pelishek
5 uttering a racial slur on August 22 of 2022."

6 Q Okay. Is that -- have you read the entire
7 report, and is that everything that you believe
8 includes information that --

9 A There's another reference to that up in the
10 first paragraph on that same page. "Among
11 other topics, he talked extensively about
12 personnel matters and discipline regarding a
13 director who disclosed Pelishek's utterance of
14 a racial slur in the media."

15 Q Can you just show me where you're referring to?

16 A (Witness indicates.)

17 Q Okay. Is that everything that you found in the
18 report that you take issue with?

19 A I believe so.

20 Q Okay. So let's start with the first bullet on
21 Page 3, the one you just talked about, "Among
22 other topics, he talked extensively about
23 personnel matters." "He" is Mr. Wolf in that
24 sentence, correct?

25 A Yes.

1 Q Okay. So that sentence isn't -- you know,
2 refers to conduct that Mr. Wolf engaged in, not
3 that you engaged in, correct?

4 A I believe so.

5 Q And Mr. Wolf did talk about discipline
6 regarding a director who had disclosed your
7 utterance of a racial slur, didn't he? I mean,
8 the statement's true.

9 MS. DeMASTER: Objection as to form.

10 THE WITNESS: I guess that's how you
11 interpret it, but I'm not going to agree with
12 that.

13 BY MS. MURPHY:

14 Q Well, you've literally testified that one of
15 the allegations of harassment is that Mr. Wolf
16 was terminated because he was trying to pursue
17 discipline against Emily, right? I mean, you
18 literally have said that earlier today, and
19 that's what this sentence says, correct?

20 MS. DeMASTER: I'm just going to
21 object as to form.

22 MS. MURPHY: You can answer.

23 MS. DeMASTER: If you know you can
24 answer.

25 THE WITNESS: I believe so.

1 BY MS. MURPHY:

2 Q Okay. So you are not aware of anything as you
3 sit here today that makes that sentence untrue,
4 correct?

5 A I don't think so.

6 Q I don't understand what your "I don't think so"
7 means. Are you aware of any evidence that
8 makes that sentence incorrect? Yes or no.

9 A No.

10 Q Okay. Next one. Further down on Page 3 of the
11 Hall report you said that the last sentence of
12 Paragraph 3 which says "Evidence suggests that
13 Ms. Rendall-Araujo reported only to a group of
14 five friends on August 22, 2022, but did not
15 talk with the media at any time on the matter
16 of Pelishek uttering a racial slur on
17 August 22, 2022." That sentence relates to
18 Ms. Rendall-Araujo, not you, correct?

19 A Correct.

20 Q Okay. So there's no false statement about you
21 in that sentence, is there?

22 MS. DeMASTER: Objection. That
23 misstates testimony. You can answer.

24 MS. MURPHY: You can answer the
25 question.

1 THE WITNESS: Can you please repeat
2 it?

3 BY MS. MURPHY:

4 Q Is there any false statement about you
5 contained in that sentence?

6 A No.

7 Q Let's turn to Page 4 of Ms. Hall's report. The
8 next sentence you identified is in Paragraph 3
9 that says "However, in the course of the
10 investigation no attendee of the August 22,
11 2022, meeting, including Mr. Pelishek himself,
12 supported Wolf's repeated assertion that
13 Ms. Rendall-Araujo demanded" -- and that's in
14 quotes -- "that Mr. Pelishek repeat the racial
15 slur." You recorded your interview with
16 Ms. Hall, didn't you?

17 A Yes.

18 Q So that -- and you recorded the whole thing,
19 correct?

20 A Yes.

21 Q So that recording is going to document what you
22 said during your interview with Ms. Hall,
23 correct?

24 A I believe so.

25 Q And you didn't do anything to alter that

1 recording, correct?

2 A No.

3 Q Okay. You also indicated the next sentence
4 which is "Evidence suggests that
5 Ms. Rendall-Araujo told Wolf on August 24,
6 2022, that she went to her friends group for
7 advice on how to address the issue of the
8 director's use of a racial slur." What does
9 that sentence have to do with you?

10 A I think it just has to do with the fact that my
11 name is in there.

12 Q It's not. It says "the director's use of a
13 racial slur." It doesn't say your name.

14 A Well, it insinuates that because that was the
15 narrative that was in the public.

16 Q Okay. Is that the entire reason you identified
17 that as a sentence that related to you?

18 A Yes.

19 Q And you were not there during the meeting that
20 Emily had with Mr. Wolf, correct?

21 A Correct.

22 Q And you have no information to indicate that
23 that sentence is false, do you?

24 A Correct.

25 Q Okay. I think the last bullet you identified

1 is on Page 5 of 6 where you say --

2 MS. DeMASTER: Just to clarify,
3 sorry, you were talking about the sentence
4 starting with "Evidence"?

5 MS. MURPHY: It's the very next
6 sentence in that paragraph.

7 MS. DeMASTER: Okay. Sorry.

8 BY MS. MURPHY:

9 Q I think the last sentence that you identified
10 that you took issue with in this report is on
11 Page 5 of 6 which said "No attendee of the
12 October 5, 2022, meeting except Wolf provided
13 evidence supporting Wolf's claim that the women
14 demanded \$70,000 from the City." Did I read
15 that accurately?

16 A Yes.

17 Q And, again, you recorded your interview with
18 Attorney Hall, so that --

19 A And I clearly told her at that meeting, just
20 like I told you here, that I -- that they did
21 demand money.

22 Q And the audio recording will be the evidence of
23 what you said during your interview with
24 Ms. Hall, correct?

25 A I guess.

1 support your speculation that you would be
2 fired upon return from your FMLA leave?

3 MS. DeMASTER: Objection as to form.
4 You can answer.

5 THE WITNESS: I do not.

6 BY MS. MURPHY:

7 Q Okay. In Paragraph 143 of your amended
8 complaint you allege based on information and
9 belief that while you were on FMLA leave
10 defendants stated that you were suspected of
11 misconduct and implied that you were suspended
12 rather than on leave and you believed that you
13 would be publicly fired when you returned from
14 FMLA leave. I'm going to show you that,
15 Paragraph 143. Did any defendant make that
16 statement to you?

17 A Not directly to me.

18 Q What information do you have that any defendant
19 did make that statement?

20 A There was information that I was on leave
21 because I embezzled money from the City, and it
22 came from a city representative.

23 Q Who gave you that information?

24 A An outside person.

25 Q Provide me with the name of that person,

1 please.

2 A Aaron Guenther through my legal counsel.

3 Q And where did Mr. Guenther obtain this
4 information?

5 A I can't --

6 MS. DeMASTER: Objection as to form.

7 THE WITNESS: I can't answer that
8 one.

9 BY MS. MURPHY:

10 Q So you don't have any information to support
11 your allegation in Paragraph 143 based on your
12 own personal knowledge, correct?

13 MS. DeMASTER: Objection --

14 THE WITNESS: Well, Aaron Guenther --

15 BY MS. MURPHY:

16 Q Do you have any personal knowledge to support
17 your allegation in Paragraph 143 of your
18 amended complaint?

19 A No.

20 Q Okay. Did Aaron Guenther tell you directly
21 that you were on leave because you embezzled
22 money from the City?

23 A Yes.

24 Q So then why did you testify moments ago that
25 that information came from Mr. Guenther through

1 Q That was told after the August 22nd meeting,
2 wasn't it?

3 A I'm not sure about that. Do you have any --

4 Q The August 22nd, 2022, agenda does not indicate
5 that conversations made during -- or made
6 during that meeting are confidential, does it?

7 A I don't know. Can I see the information?

8 Q I just need you to look just at that agenda.

9 A I guess it doesn't use those exact words.

10 Q So it doesn't indicate that anything said
11 during that meeting was confidential, correct?

12 A Correct.

13 Q Okay. We're running out of time, so I'm going
14 to move on. I want you to look at your answer
15 to Interrogatory No. 14 which asks you to
16 identify each and every fact you rely on to
17 support your prior restraint claim against the
18 City of Sheboygan in relation to your fourth
19 cause of action which involved a February 7th,
20 2023, e-mail. It is on Page 11 of your
21 answers. Take a look at your amended and
22 supplemented response and let me know if that
23 indicates or includes all of the factual
24 information you are relying on to support that
25 claim.

1 A Yes.

2 (Exhibit No. 27 was marked.)

3 BY MS. MURPHY:

4 Q You've been handed Deposition Exhibit 27 which
5 is a copy of the February 7, 2023, e-mail.

6 This was sent by Assistant City Attorney
7 Majerus and sent only -- and sent to all city
8 users, correct?

9 A Yes.

10 Q And it was sent to you in your capacity as
11 planning and development director, correct?

12 A Yes.

13 Q And it was sent to you at your official city
14 e-mail address; is that right?

15 A Yes.

16 Q And this e-mail only directs city employees to
17 have no communication with Mr. Wolf or his
18 attorney, Ms. DeMaster; is that correct?

19 A Yes.

20 Q What personal interest did you have in being
21 able to speak with Todd Wolf or his attorney?

22 A When?

23 Q On February 7th of 2023 or after.

24 A What personal interest did I have?

25 Q Yeah.

1 Q "Including Wolf." What city directives,
2 policies, and related practices do you claim
3 imposed blanket restrictions on your right to
4 associate and obtain legal counsel?

5 A The February 7th directives.

6 Q Is that it, just that single e-mail?

7 A Yes.

8 Q Okay. And that e-mail didn't prevent you from
9 retaining Ms. DeMaster, did it?

10 A No.

11 Q Thank you. I want you to take a look at your
12 answer to Interrogatory No. 15 which asks you
13 to identify every fact that you rely on to
14 support your prior restraint claim against the
15 City in relation to your fifth cause of action
16 which involves the March 8th e-mail. Take a
17 look at your answer.

18 MS. MURPHY: We'll go off the record
19 for a second.

20 (Discussion off the record.)

21 BY MS. MURPHY:

22 Q Have you had a chance to review your answer?

23 A Yes.

24 Q The March 8th of 2023 e-mail was sent by former
25 HR Director Westbrook to all city users,

1 and expressions regarding Wolf, the report or
2 allegations related to matters of public
3 concern. Explain to me what you rely on to
4 support your allegation that the false
5 statements ordinance -- that the false
6 statements ordinance has anything to do with
7 the March 8th, 2023, e-mail that Mr. Westbrook
8 sent?

9 A Where did you read the --

10 Q Paragraph 239.

11 A And your question was?

12 Q Tell me what information you rely on to support
13 a contention that the false statements
14 ordinance has anything to do with the March 8th
15 e-mail.

16 MS. DeMASTER: I'll object as to
17 form, but you can answer if you know.

18 THE WITNESS: I don't know.

19 BY MS. MURPHY:

20 Q Okay. You can look at Exhibit 25 which is a
21 copy of the false statements ordinance, and
22 also you have Exhibit 23 which is the
23 March 8th, 2023, e-mail. Is there any
24 reference in the March 8th, 2023, e-mail to any
25 test that the City administered?

1 A I don't believe so.

2 Q Is there any reference in the March 8th, 2023,
3 e-mail to any certification that the City
4 provided?

5 A I don't believe so.

6 Q Is there any reference in the March 8th, 2023,
7 e-mail to any appointment made by the City?

8 A I'm not going to answer that, again, because I
9 don't know what the word "appointment" means.

10 Q Well, people are appointed to positions,
11 correct, by the City?

12 A Yes.

13 Q Is there any reference to any appointment to
14 any position by the City in that March 8th,
15 2023, e-mail?

16 A I don't believe so.

17 Q Is there any reference in that e-mail to any
18 attempt to commit fraud?

19 A Because it states that in that policy?

20 Q Yep.

21 A I don't know. I don't believe so.

22 Q Okay. So I want you to look at Paragraph
23 241 -- I think part of this might be the answer
24 to it -- in your amended complaint which reads
25 "The February and March 8 directives burdened

1 plaintiff's (and employees') protected speech
2 by impliedly threatening them from being
3 witnesses in a federal judicial proceeding and
4 burdening their speech by ordering that the
5 City's lawyers must be present if plaintiff
6 made any statements about Wolf's lawsuit
7 allegations that included matters of political
8 corruption, bribery, and constitutional
9 violations." What language in the February 7th
10 e-mail do you claim impliedly threatened you
11 from being a witness?

12 MS. DeMASTER: I'm going to object as
13 to form, but subject to that you can answer.

14 BY MS. MURPHY:

15 Q And here's Exhibit 27 which is that e-mail.

16 A Can you restate the question?

17 Q What language in this February 7th e-mail do
18 you claim impliedly threatened you from being a
19 witness in a federal judicial proceeding?

20 A I don't know.

21 Q So you can't identify any language in that
22 e-mail that impliedly threatened you from being
23 a witness in a federal judicial proceeding?

24 A Other than the fact that the City is a
25 defendant and that it's a federal lawsuit and